

REMARKS**INTRODUCTION:**

In accordance with the foregoing, claim 49 has been amended to address the Examiner's concerns in the Advisory Action mailed April 7, 2004 by deleting the term "pickup," which was not deleted in the Response filed March 19, 2004, and by changing the term "second" to "diverging."

No new matter is being presented, and approval and entry of the foregoing amendments are respectfully requested.

Claims 1-82 are pending and under consideration. Reconsideration is requested.

REJECTION UNDER 35 U.S.C. §103:

In the Office Action at pages 2-3, the Examiner rejects claim 49 under 35 U.S.C. §103 in view of Kashiwagi (U.S. Patent No. 6,069,868) and Kim et al. (U.S. Patent No. 6,449,235). The rejection is respectfully traversed and reconsideration is requested.

The arguments presented in the Response filed March 19, 2004 are incorporated by reference, and it is respectfully requested that the Examiner reconsider and withdraw the rejection.

In the Office Action at pages 4-5, the Examiner rejects claim 60 under 35 U.S.C. §103 in view of Kashiwagi and Zimmerman et al. (U.S. Patent No. 5,636,029). The rejection is respectfully traversed and reconsideration is requested.

The arguments presented in the Response filed March 19, 2004 are incorporated by reference. In addition, in item 5 (c) of the Advisory Action, the Examiner asserts that the collimating lens 130 will operate in all wavelength ranges since spherical aberration is not an issue. However, the Examiner does not provide support from the prior art of record for such an assertion. Moreover, the Examiner's assertion does not address the lack of the diverging (as opposed to mere transmissive) power of the compound cylindrical lens 130. Specifically, Zimmerman et al. discloses that a laser beam 102, after passing through a pinhole assembly 128, is collimated by a compound cylindrical lens 130 so that the beam 102 no longer expands in a direction of a minor axis 108. Further, as shown in FIG. 6, while the divergence of the light beam 102 is not affected in the major axis 110 by the compound cylindrical lens 130, the light beam 102 is collimated by another compound cylindrical lens 132 so that the light beam 102 no longer expands in the direction of the major axis 110. (Col. 7, lines 30-33, col. 9, lines 30-52 of Zimmerman et al.) As such, while FIG. 6 shows the light beam 102 continuing to expand in the major axis 110, FIG. 6 does not show that the light beam 102 was altered to diverge (as opposed to merely continuing an existing diverging path) so as to have an optical power corresponding to a diverging power.

In contrast, claim 60 recites, among other features, "light sources to emit respective light beams of different wavelengths, wherein one of the wavelengths is less than roughly 500 nm and another one of the wavelengths is more than roughly 500 nm," and "a collimating lens arranged between said light sources and said optical element," where "said collimating lens comprises a surface with a diverging power." Since Kashiwagi is not relied upon and does not disclose such a feature, it is respectfully submitted that the combination of Kashiwagi and Zimmerman et al. does not disclose or suggest the invention recited in claim 60.

Additionally, while not addressed in the Advisory Action, on page 5 of the Office Action, the Examiner asserts that one of ordinary skill in the art would have been motivated to use the compound cylindrical lenses 130 and 132 in an optical pickup of Kashiwagi in order to limit the traveling path of a light beam to be parallel as to the focusing element so that no aberration is created. However, Zimmerman et al. teaches using the compound cylindrical lenses 130 and 132 to create an elliptical light beam 106 shown in FIG. 5. The elliptical light beam 106 has a width in the minor direction 108 that is twice as large as the circular beam 102 and is eight times as large as the circular beam 102 in the major direction 110. (Col. 9, lines 52-59 of Zimmerman et al.) It is respectfully submitted that such an elliptical light beam 106, when used in Kashiwagi, would provide an extreme aberration or otherwise be unusable for recording and/or reproducing data using the optical discs 10A, 10B, 10C disclosed in Kashiwagi.

In evaluating whether the prior art suggests changing a design of a primary reference, the suggested change cannot render the primary reference inoperative. Specifically and as noted in MPEP 2143, "[i]f proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification." It is respectfully submitted that the use of the lens 130 and/or 132 in the manner suggested by the Examiner would render the device shown in FIG. 2 of Kashiwagi inoperative, and therefore prevent the use of the optical pickup suggested by Kashiwagi. Since there is no evidence in Zimmerman et al. or Kashiwagi that an elliptical beam should be used in an optical pickup, it is respectfully submitted that, assuming arguendo that the Examiner's characterizations of Kashiwagi and Zimmerman et al. are correct, there is insufficient evidence of a motivation to use the cylindrical lenses 130 and 132 in the device disclosed in Kashiwagi as is required to maintain an obviousness rejection.

On pages 6-7 of the Office Action, the Examiner rejects claim 74 under 35 U.S.C. §103 in view of Kashiwagi, Zimmerman et al., and Kashiwagi (U.S. Patent No. 6,175,548) (hereinafter referred to as Kashiwagi II). The rejection is respectfully traversed and reconsideration is requested.

The arguments presented in the Response filed March 19, 2004 are incorporated by reference. In addition, as noted above in relation to the rejection of claim 60, there is no evidence of record to support the Examiner's assertion in the Advisory Action that compound cylindrical lens 130 is used or is usable with all wavelengths of light. There is further no discussion that the compound cylindrical lens 130 has a diverging element as opposed to merely allowing the major axis 110 to continue diverging without alteration.

Since neither Kashiwagi nor Kashiwagi II are relied upon as curing the above noted deficiency, it is respectfully submitted that the combination of Kashiwagi, Zimmerman et al., and Kashiwagi II does not disclose or suggest "light sources to emit a light beam of less than roughly 400 nm and another light beam having a wavelength suitable for recording and/or reproducing data with respect to a digital versatile disc," and "a collimating lens arranged between said light source and said optical element," where "said collimating lens comprises a surface with a diverging power" as recited in claim 74.

Lastly, while not addressed in the Advisory Action, for reasons similar to those set forth above in relation to claim 60, it is respectfully submitted that there is insufficient evidence of a motivation to use the 130 and/or 132 of Zimmerman et al., which creates an elliptical light beam 106, in an optical pickup such as that disclosed in FIG. 2 of Kashiwagi and FIG. 7 of Kashiwagi II as is required to maintain an obviousness rejection since doing so would render both the optical pickups in Kashiwagi and Kashiwagi II inoperative.

STATUS OF CLAIMS NOT REJECTED IN OFFICE ACTION

On page 8 of the Office Action, the Examiner states that claims 1-48, 50-59, 61-73, and 75-82 are allowed.

CONCLUSION:

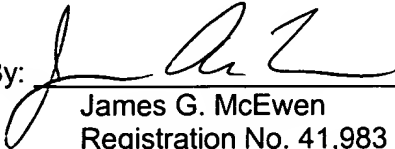
In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, it is respectfully submitted that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any additional fees associated with the filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

By: 
James G. McEwen
Registration No. 41,983

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501

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